

PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

06 JUL 2004

Applicant's or agent's file reference

PG4880WO

IMPORTANT NOTIFICATION

International application No.

PCT/US03/28690

International filing date (day/month/year)

11 September 2003 (11.09.2003)

Priority date (day/month/year)

13 September 2002 (13.09.2002)

Applicant

GLAXO GROUP LIMITED

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Form PCT/IPEA/416 (July 1992)

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

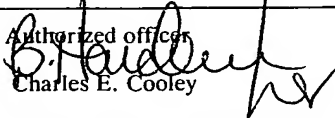
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| Applicant's or agent's file reference PG4880WO | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/US03/28690 | International filing date (day/month/year) 11 September 2003 (11.09.2003) | Priority date (day/month/year) 13 September 2002 (13.09.2002) |
| International Patent Classification (IPC) or national classification and IPC IPC(7): B01F 7/16 and US Cl.: 366/314 | | |
| Applicant GLAXO GROUP LIMITED | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

| | |
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| Date of submission of the demand 15 March 2004 (15.03.2004) | Date of completion of this report 22 June 2004 (22.06.2004) |
| Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230 | Authorized officer  Charles E. Cooley Telephone No. (571) 272-1700 |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US03/28690

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☒ the description:
pages 1-10 as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the claims:
pages 11-13, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the drawings:
pages 1, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/28690

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Claims 1-3, 10-12, and 19-21 lack novelty under PCT Article 33(2) as being anticipated by TSUTSUI et al.

TSUTSUI et al. discloses in Figure 9 a blending vessel 51; impeller 52; charge line 57; discharge line 56; wherein the internal surfaces of the vessel and lines are coated with the recited fluorocarbon polymer (col. 12, line 51 through col. 13, line 4).

Claims 19-26 lack novelty under PCT Article 33(2) as being anticipated by BRITTO.

BRITTO discloses in the Figure a container 10 with the recited polymeric coating (col. 1, lines 63-67; col. 2, lines 1-10 and lines 35-42; col. 4, lines 63-67; and col. 5, lines 1-63).

Claims 1, 2, 6, 7, 19, 20, 23, and 24 lack novelty under PCT Article 33(2) as being anticipated by MOLLOY.

MOLLOY discloses in Figures 1A and 2 a vessel or container 1 which is coated with the recited fluorocarbon polymer (col. 3, lines 15-18; col. 5, lines 30-36; and col. 6, lines 5-10).

Claims 19-21 lack novelty under PCT Article 33(2) as being anticipated by GIORDANO et al.

GIORDANO et al. discloses a container (col. 2, lines 37-46) with the recited polymeric coating as disclosed throughout the document.

Claims 4-9, 13-18, and 22-26 lack an inventive step under PCT Article 33(3) as being obvious over TSUTSUI et al. in view of BRITTO.

TSUTSUI et al. discloses in Figure 9 a blending vessel 51; impeller 52; charge line 57; discharge line 56; wherein the internal surfaces of the vessel and lines are coated with the recited fluorocarbon polymer (col. 12, line 51 through col. 13, line 4) but does not disclose the recited details of the coating material. BRITTO discloses in the Figure a container 10 with the recited polymeric coating (col. 1, lines 63-67; col. 2, lines 1-10 and lines 35-42; col. 4, lines 63-67; and col. 5, lines 1-63). Since TSUTSUI et al. teaches coating surfaces of the vessel and lines with a fluorocarbon polymer, to have provided TSUTSUI et al. with the coating disclosed by BRITTO for the purpose of preventing adhesion of materials on the walls of the vessel and lines would not have involved an inventive step (col. 1, lines 63-67).

Claims 1-26 lack an inventive step under PCT Article 33(3) as being obvious over CARSON in view of BRITTO.

CARSON discloses in Figures 1-2 a blending vessel 52; impeller 102; and lines 74, 88 but does not disclose the recited details of the coating material. BRITTO discloses in the Figure a container 10 with the recited polymeric coating (col. 1, lines 63-67; col. 2, lines 1-10 and lines 35-42; col. 4, lines 63-67; and col. 5, lines 1-63). To have provided CARSON with the coating disclosed by BRITTO for the purpose of preventing adhesion of materials on the walls of the vessel and lines would not have involved an inventive step (col. 1, lines 63-67).

Claims 1-26 lack an inventive step under PCT Article 33(3) as being obvious over RUPANER et al. in view of BRITTO.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/28690**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

RUPANER et al. discloses in the Figure a blending vessel 5; impeller 6; lines 1, 2 but does not disclose the recited details of the coating material. BRITTO discloses in the Figure a container 10 with the recited polymeric coating (col. 1, lines 63-67; col. 2, lines 1-10 and lines 35-42; col. 4, lines 63-67; and col. 5, lines 1-63). To have provided RUPANER et al. with the coating disclosed by BRITTO for the purpose of preventing adhesion of materials on the walls of the vessel and lines would not have involved an inventive step (col. 1, lines 63-67).

Claims 1-5, 10-13, and 19-21 lack an inventive step under PCT Article 33(3) as being obvious over CARSON in view of GIORDANO et al.

CARSON discloses in Figures 1-2 a blending vessel 52; impeller 102; and lines 74, 88 but does not disclose the recited details of the coating material. GIORDANO et al. discloses a container (col. 2, lines 37-46) with the recited polymeric coating as disclosed throughout the document. To have provided CARSON with the coating disclosed by GIORDANO et al. for the purpose of imparting hydrophobicity, good release properties, adhesion and corrosion resistance to the surfaces present in CARSON would not have involved an inventive step (col. 2, lines 37-46).

Claims 1-5, 10-13, and 19-21 lack an inventive step under PCT Article 33(3) as being obvious over RUPANER et al. in view of GIORDANO et al.

RUPANER et al. discloses in the Figure a blending vessel 5; impeller 6; lines 1, 2 but does not disclose the recited details of the coating material. GIORDANO et al. discloses a container (col. 2, lines 37-46) with the recited polymeric coating as disclosed throughout the document. To have provided RUPANER et al. with the coating disclosed by GIORDANO et al. for the purpose of imparting hydrophobicity, good release properties, adhesion and corrosion resistance to the surfaces present in CARSON would not have involved an inventive step (col. 2, lines 37-46).

Claims 8, 9, 17, 18, 25, and 26 lack an inventive step under PCT Article 33(3) as being obvious over TSUTSUI et al. in view of TOMIHASHI et al.

TSUTSUI et al. discloses in Figure 9 a blending vessel 51; impeller 52; charge line 57; discharge line 56; wherein the internal surfaces of the vessel and lines are coated with the recited fluorocarbon polymer (col. 12, line 51 through col. 13, line 4) but does not disclose the recited barrier material. TOMIHASHI et al. discloses the recited barrier material for use with fluorocarbon polymer coatings as disclosed throughout the document. To have provided TSUTSUI et al. with the recited barrier material between the internal surfaces of the vessel and lines and the top coating of fluorocarbon polymer disclosed by TOMIHASHI et al. for the purpose of providing a barrier or primer layer which readily adheres to the underlying substrates and to the overcoat of fluorocarbon polymer would not have involved an inventive step (col. 1, lines 18-32 and col. 1, line 65 through col. 2, line 34).

Claims 8, 9, 25, and 26 lack an inventive step under PCT Article 33(3) as being obvious over MOLLOY in view of TOMIHASHI et al.

MOLLOY discloses in Figures 1A and 2 a vessel or container 1 which is coated with the recited fluorocarbon polymer (col. 3, lines 15-18; col. 5, lines 30-36; and col. 6, lines 5-10) but does not disclose the recited barrier material. TOMIHASHI et al. discloses the recited barrier material for use with fluorocarbon polymer coatings as disclosed throughout the document. To have provided MOLLOY with the recited barrier material between the internal surfaces of the vessel and the top coating of fluorocarbon polymer disclosed by TOMIHASHI et al. for the purpose of providing a barrier or primer layer which readily adheres to the underlying substrates and to the overcoat of fluorocarbon polymer would not have involved an inventive step (col. 1, lines 18-32 and col. 1, line 65 through col. 2, line 34).

Claims 1-5, 8-14, 17-22, and 25-26 lack an inventive step under PCT Article 33(3) as being obvious over CARSON in view of GEBAUER.

CARSON discloses in Figures 1-2 a blending vessel 52; impeller 102; and lines 74, 88 but does not disclose the recited details of the coating material and barrier material. GEBAUER discloses the recited barrier material for use with the recited fluorocarbon polymer coatings as disclosed throughout the document. To have provided CARSON with the recited barrier material between the internal surfaces of the vessel and the recited top coating of fluorocarbon polymer disclosed by GEBAUER for the purpose of providing a barrier or primer layer which readily adheres to the underlying substrates and to the overcoat of fluorocarbon polymer which overcoat possesses adhesion and corrosion resistance to the surfaces would not have involved an inventive step (col. 1, lines 9-27; col. 2, line 23 through col. 4 and cols. 7-9).

Claims 1-5, 8-14, 17-22, and 25-26 lack an inventive step under PCT Article 33(3) as being obvious over RUPANER et al. in view of GEBAUER.

RUPANER et al. discloses in Figures 1-2 a blending vessel 52; impeller 102; and lines 74, 88 but does not disclose the recited details of the coating material and barrier material. GEBAUER discloses the recited barrier material for use with the recited fluorocarbon polymer coatings as disclosed throughout the document. To have provided RUPANER et al. with the recited barrier material between the internal surfaces of the vessel and the recited top coating of fluorocarbon polymer disclosed by GEBAUER for the purpose of providing a barrier or primer layer which readily adheres to the underlying substrates and to the overcoat of fluorocarbon polymer which overcoat possesses adhesion and corrosion resistance to the surfaces would not have involved an

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/28690

Supplemental Box

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inventive step (col. 1, lines 9-27; col. 2, line 23 through col. 4 and cols. 7-9).

Claims 4, 5, 8, 9, 13, 14, 17, 18, 22, 25, and 26 lack an inventive step under PCT Article 33(3) as being obvious over TSUTSUI et al. in view of GEBAUER.

TSUTSUI et al. discloses in Figure 9 a blending vessel 51; impeller 52; charge line 57; discharge line 56; wherein the internal surfaces of the vessel and lines are coated with the recited fluorocarbon polymer (col. 12, line 51 through col. 13, line 4) but does not disclose the further recited details of the coating material and barrier material. GEBAUER discloses the recited barrier material for use with the recited fluorocarbon polymer coatings as disclosed throughout the document. To have provided TSUTSUI et al. with the recited barrier material between the internal surfaces of the vessel and the recited top coating of fluorocarbon polymer disclosed by GEBAUER for the purpose of providing a barrier or primer layer which readily adheres to the underlying substrates and to the overcoat of fluorocarbon polymer which possesses adhesion and corrosion resistance to the surfaces would not have involved an inventive step (col. 1, lines 9-27; col. 2, line 23 through col. 4 and cols. 7-9).

Claims 3, 4, 5, 8, 9, 21, 22, 25, and 26 lack an inventive step under PCT Article 33(3) as being obvious over MOLLOY in view of GEBAUER.

MOLLOY discloses in Figures 1A and 2 a vessel or container 1 which is coated with the recited fluorocarbon polymer (col. 3, lines 15-18; col. 5, lines 30-36; and col. 6, lines 5-10) but does not disclose the further recited details of the coating material and barrier material. GEBAUER discloses the recited barrier material for use with the recited fluorocarbon polymer coatings as disclosed throughout the document. To have provided MOLLOY with the recited barrier material between the internal surfaces of the vessel and the recited top coating of fluorocarbon polymer disclosed by GEBAUER for the purpose of providing a barrier or primer layer which readily adheres to the underlying substrates and to the overcoat of fluorocarbon polymer which possesses adhesion and corrosion resistance to the surfaces would not have involved an inventive step (col. 1, lines 9-27; col. 2, line 23 through col. 4 and cols. 7-9).

Claims 1-26 meet the criteria set out in PCT Article 33(4), and thus possess industrial applicability because the subject matter claimed can be made or used in industry.